



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

William Dunn et al.

Serial No.: 10/769,838

Filed: 2 February 2004

For: FLAT PANEL DISPLAY HAVING INTEGRAL

HEATER, EMI SHIELD AND THERMAL SENSORS

Group Art Unit: 2871

Examiner: Not yet assigned

Petition For Filing By Other Than All Inventors Under 37 C.F.R. 1.47(a)

Applicant, William R. Dunn hereby petitions the Commissioner to accept the filing of the above-identified U.S. Patent Application by American Panel Corporation, as the party to which the invention that is disclosed and claimed in said Patent Application rightfully belongs, and on behalf of inventor William R. Dunn as agent for the non-signing co-inventors.

A Declaration of William R. Dunn is attached hereto providing proof of the pertinent facts concerning the refusal of the co-inventors to join in the present application for patent and establishing that American Panel Corporation has a sufficient proprietary interest in this matter to make application on behalf of and as agent for the inventor, and showing that such action is necessary to preserve the rights of the parties and/or to prevent irreparable damage.

The names and addresses of the inventors refusing to join in this application, as required by 37 C.F.R. §1.47(b), are as follows: **Keuk-Sang Kwon, Hyoung-Yol Park and In-Byeong Kang**, all citizens of the Republic of Korea and having a mailing address of 642-3 Jinpyung-dong, Kumi-city, Kyungbuk, 730-726 Republic of Korea.

The invention was developed in conjunction with and under the authorization of American Panel Corporation by its employee William R. Dunn, and the afore-named Keuk-Sang Kwon, Hyoung-Yol Park and In-Byeong Kang.

In view of Messrs. Kwon, Park and Kang declining thus far to execute the papers required for filing the present patent application, William Dunn as the Assignor to American Panel Corporation is believed to be entitled to make such application on his own behalf.

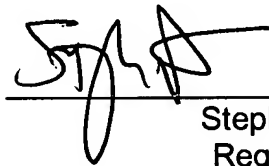
In view of the Notice to File Missing Parts mailed 30 April 2004, such action clearly is necessary to preserve the pendency of the subject application, and the rights of American Panel Corporation. Otherwise, the rights of American Panel Corporation would not be preserved as the Patent Application would become abandoned.

The required fee of \$200 pursuant to 1.17(h) is enclosed, as is the late oath or declaration surcharge of \$130 pursuant to 1.16(e), a four month large entity extension fee of \$1530 pursuant to 1.17(a)(4), and a recordation of assignment fee of \$40 pursuant to 1.21(h), for a total of \$1900. A Declaration and Power of Attorney, appointing the undersigned to act on behalf of American Panel Corporation is also enclosed. The Patent Application may be supplemented should Mr. Kwon, Mr. Park and/or Mr. Kang execute the required inventors' declaration, power of attorney, and assignment.

Respectfully submitted,

Date: _____

29 Oct. 2004



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Declaration by Inventor, William Dunn in Support of
Petition for Filing by Other Than All Inventors under 37 C.F.R. 1.47(a)

I, William R. Dunn, being duly advised of the consequences of making willful false statements and the like, declare as follows:

Dunn

- 1) That I am a citizen of the United States, with a mailing address of 4445 Burgess Hill Lane, Alpharetta, GA 30202;
- 2) That I am the duly elected Division Vice President of Technology, American Panel Corporation, an Arizona corporation;
- 3) That I am an original and joint inventor in U.S. Patent Application Serial No. 10/769,838 (hereinafter "the '838 application");
- 4) That I am an original and joint inventor in U.S. Patent Application Ser. No. 10/679,977 (hereinafter "the '977 application")
- 5) That I make this declaration both in my capacity as an inventor and as an officer of American Panel Corporation;

The '977 application

- 6) That the '977 application was filed in the United States Patent Office on 7 October 2003;
- 7) That the '977 application as filed names Keuk-Sang Kwon (hereinafter "Kwon") and Hyoung-Yol Park (hereinafter "Park") as co-inventors with me;
- 8) That the '977 application was filed with no declaration, but the first page of the specification listed me, Kwon and Park as the inventors;

- 9) That similar difficulties were encountered with co-inventors Kwon and Park with regard to the '977 application and a declaration and petition were filed in the United States Patent Office on 30 June 2004 under 37 CFR §1.47(a);

The '838 application

- 10) That the '838 application was filed in the United States Patent Office on 2 February 2004;
- 11) That the '838 application is one of three continuation-in-part applications of the '977 application filed on behalf of American Panel Corporation on 2 February 2004;
- 12) That the '838 application further names In-Byeong Kang (hereinafter "Kang") as a co-inventor, along with Kwon and Park;
- 13) That the invention described and claimed in the '838 application was developed in conjunction with LG Philips LCD Co., Ltd. ("LG Philips"), of Seoul, Republic of Korea;

Kwon

- 14) That, based on information and belief, Kwon is a citizen of the Republic of Korea and has a mailing address of 642-3 Jinpyung-dong, Kumi-city, Kyungbuk, 730-726, Republic of Korea;
- 15) That, based on information and belief, Kwon was an employee of LG Philips at the time of the invention and is still an employee of LG Philips;

Park

- 16) That, based on information and belief, Park is a citizen of the Republic of Korea and has a mailing address of 642-3 Jinpyung-dong, Kumi-city, Kyungbuk, 730-726, Republic of Korea;
- 17) That, based on information and belief, Park was an employee of LG Philips at the time of the invention and is still an employee of LG Philips;

Kang

- 18) That, based on information and belief, Kang is a citizen of the Republic of Korea and has a mailing address of 642-3 Jinpyung-dong, Kumi-city, Kyungbuk, 730-726 Republic of Korea;
- 19) That, based on information and belief, Kang was an employee of LG Philips at the time of the invention and is still an employee of LG Philips;

Attempts to obtain signatures


- 20) That during the third week of May, 2004, I traveled to the Republic of Korea, and personally delivered to co-inventors Kwon, Park and Kang a copy of the specification as filed, a copy of a declaration identifying the application by serial number and filing date, individual Powers of Attorney, and an assignment of the application to American Panel Corporation, an Arizona corporation, for proper execution by the co-inventors;
- 21) That co-inventors Kwon, Park and Kang did not, at that time, execute the documents;
- 22) That since the meeting in Korea, I have made further attempts to obtain signatures from the co-inventors, the most recent attempt being an e-mail sent by my attorney on 7 October 2004 to Rosa Kang, a person identified to me by LG Philips as a contact;
- 23) That the 7 October e-mail included a copy of the specification as filed, a copy of a declaration identifying the application by serial number and filing date, individual Powers of Attorney, and an assignment of the application to American Panel Corporation, an Arizona corporation, for proper execution by the co-inventors
- 24) That the co-inventors Kwon, Park and Kang have remained unresponsive and, to my knowledge, have not executed the Declaration, Powers of Attorney, and Assignment documents;
- 25) That I have not had any response from Rosa Kang to the e-mail of 7 October 2004;

Signature of All Available Joint Inventors

- 26) That I am the only available joint inventor of the '838 application;
- 27) That I have executed the attached Declaration, Power of Attorney, and Assignment;

Irreparable damages

- 28) That in view of the outstanding Notice to File Missing Parts issued by the USPTO on 30 April 2004, I believe American Panel Corporation's rights in the '838 application will be lost by abandonment and/or the priority in the '838 application based on the '977 will be forfeited unless the Patent Office grants the Petition for Filing by Other than All of the Inventors under 37 CFR 1.47(a) to which this Declaration is appended;
- 29) That all statements made herein are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like, so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code, and that such statements may jeopardize the validity of the application and any patent issuing therefrom.



William R. Dunn

Date: 10/27/04